

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JOHN G. PEDICINI,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION
v.	)	NO. 04-12395-JLT
	)	
UNITED STATES OF AMERICA, et al.,	)	
	)	
Defendants.	)	

**DEFENDANTS' POSITION ON PLAINTIFF'S MOTION TO DISMISS COUNT I**

Defendants object to dismissal of Count I of the Complaint without prejudice.

Defendants have no objection to dismissal with prejudice as to Count I of the Complaint. If Count I is dismissed with prejudice, Defendants agree to forego recovery of litigation costs from Plaintiff.

Defendants do not take a position and make no promise regarding whether the Court of Federal Claims will or should accept jurisdiction over Count I of the Complaint. The Court of Federal Claims may not accept jurisdiction over Count I of the Complaint.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

/s/ Gina Walcott-Torres

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**CERTIFICATE OF SERVICE**

I certify that I served the foregoing document upon *pro se* Plaintiff, John G. Pedicini, 10 Milano Drive, Saugus, MA 01906, by first class mail, postage pre-paid, on this eighth day of August 2007.

/s/ Anita Johnson